

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF &
APPENDIX**

852

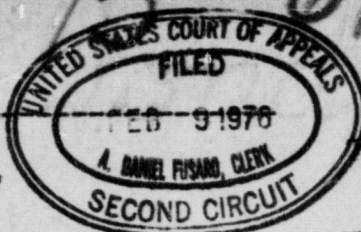
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

MABEL DYSON BURKE

PLAINTIFF

-against-

SUPREME COURT, et, al - DEFENDANTS



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"BRIEF"

Appendix.

I CAME DOWN TO THE UNITED STATES COURTS OF APPEALS ON FRIDAY, JAN. 30th, 1976 BECAUSE I WAS CONFUSED AS TO WHAT I SHOULD DO IN THE TRANSMISSION OF MY RECORDS FROM THE UNITED STATES DISTRICT COURT BECAUSE MR. A. COLEMAN, OF THE CLERK'S OFFICE, UNITED STATES COURT OF APPEALS TOLD ME I HAD TO COME DOWN TO HAVE RECORDS TRANSMITTED AND A MR. EDWARD APONTE, OF THE ORDERS AND APPEALS DIVISION TOLD ME I DID NOT HAVE TO COME DOWN THAT HE WOULD TRANSMIT RECORDS HIMSELF AND WHEN I CALLED MISS F. SALTEN, PRO SE CLERK FROM THE U.S. DISTRICT COURT'S CLERK OFFICE AND TRIED TO EXPLAIN MY PROBLEM SHE ABRUPTLY TOLD ME NOT TO TALK OR SHE WOULD HANG UP ON ME AND JUST LISTEN. THIS IS NOT THE FIRST TIME THAT MISS SALTEN HAS USED GESTAPO TACTICS ON ME. WHEN I BROUGHT AN AFFIDAVIT DOWN TO HER WITHIN THE 30 DAY TIME TO FILE AN APPEAL OF THE HON. JUDGE WILLIAM C. CONNER'S DECISION ON DEC. 15th, 1975 SHE WOULD NOT ACCEPT IT AND WHILE SITTING IN FRONT OF HER DESK WHICH IS ABOUT THREE FEET WIDE SHE TOLD ME TO GET OFF HER DESK BECAUSE SHE WAS BUSY. I WAS JUST MAKING A NOTATION ON AFFIDAVIT THAT TOOK ONLY A FEW SECONDS AND THE SPACE I WAS TAKING UP WAS ABOUT ABOUT SEVEN INCHES SO HER RUDENESS WAS UNNECESSARY, ANYWAY, I WENT UP TO THE UNITED STATES COURT OF APPEALS CLERK'S OFFICE AND A MR. BRACIA ACCEPTED MY AFFIDAVIT BUT WHEN I CAME DOWN TO SEE MR. COLEMAN ON JANUARY 30, 1976, HE TOLD ME THE COURT COULD NOT ACCEPT AFFIDAVIT AND TO CALL A MISS O. VALENTINE, PRO SE CLERK OF THE UNITED STATES COURT OF APPEALS AND WHEN I ASKED COULD I GO SEE HER, HE SAID NO, YOU ARE NOT ALLOWED TO VISIT HER BUT CALL HER AND SHE WILL EXPLAIN WHAT YOU SHOULD DO IN REGARD TO AFFIDAVIT FILED ON DEC. 15th, 1975.

I CALLED MISS VALENTINE AND SHE TOLD ME TO FILE A "BRIEF" AND ASKED ME DID I WANT A LAWYER APPOINTED TO ME TO FILE SAME AND I SAID NO, THE REASON BEING ^{WHAT} THAT THE FOLLOWING LAWYERS DID TO ME WHEN I CALLED OT WENT TO THEIR OFFICES FOR HELP: IN REGARD TO THE WORKMAN'S COMPENSATION BOARD, MR. LEWIS LEIGHTON, HELD MY PAPERS FOR OVER FIVE WEEKS WHEN I CALLED AND ASKED HOW COME WE HAD HAD A HEARING HE STATED IT TAKES TIMES, MR. HARRY S. THAU, HELD MY PAPERS FOR A MONTH AND FOUR DAYS BEFORE HEARING, HE STATED IN A LETTER THAT HE COULD NOT NOT HELP ME WITH MY CASE BECAUSE HE DID NOT THINK I HAD A CHANCE ~~IN~~ IN MY CHARGES, MR. JERALD HERMAN, HELD MY PAPERS FOR ABOUT THREE WEEKS AND I WENT TO HIS OFFICE AND SPENT HALF AN HOUR EXPLAINING MY CASE AND DETAILS OF A DOCTORS REPORT AND SHOWED HIM

NOTES AND LETTERS BUT WHEN WE WENT BEFORE REFEREE, HE POSTPONED HEARING TO GO OVER DOCTORS NOTES AGAIN THAT HE HAD ALREADY READ AND I HAD SHOWED HIM, MR. CHARLES REISMAN HAD MY PAPERS ABOUT THREE AND A HALF WEEKS BUT WHEN WE GOT BEFORE THE REFEREE HE STATED BECAUSE OF PERSONAL REASONS HE COULD NOT REPRESENT ME NOT EXPLAINING WHY, THE N.M. A. C. P., REFERRED ME TO MR. STUART SHAW, BUT WHEN I KEPT CALLING HIS OFFICE HE WAS NEVER IN WHICH WAS ABOUT FIVE TIMES AND WHEN I FINALLY TALK TO HIM ON THE PHONE HE STATED DID NOT TAKE MY TYPE OF CASE, MR. DARNELL BLACKETT, I WAS REFERRED TO BY THE N.Y. BAR ASSOCIATION BUT WHEN I SPOKE TO HIM, HE SAID CALL HIM ABOUT FIVE P.M., WHEN I DID, NO ONE ANSWERED PHONE, WHEN I CALLED THE NEXT DAY, HE STATED, HE WENT OUT TO DINNER AND FORGOT ALL ABOUT ME AND HUNG ON ME BEFORE I COULD SAY ANOTHER WORD, MISS HELEN GORDON BAILEY HELD MY PAPERS FOR ABOUT TWO WEEKS AND WHEN I CALLED HER SHE STATED TOO BUSY TO HELP ME, MR. MARC AMES DID THE SAME THING, MR. JAMES CARROLL, TOOK A WHOLE FOLDER FULL OF PAPERS FROM AND A \$25.00 DEPOSIT, BUT WHEN I CALLED HIM, BUT HE WAS ALL WAYS OUT SO WENT TO HIS OFFICE AND HE TOLD ME HE JUST HAD NOT GOTTEN AROUND TO MY PAPERS AFTER THREE WEEKS AND REFUSE TO REFUND ME MY MONEY, I WOULD HAVE PAID HIM TEN ^{dollars} FOR THE INTERVIEW BUT HE KEPT ALL MY MONEY, IN THE MEANTIME I HAD EXHAUSTED MY BANK ACCOUNT, HAD NO FOOD IN HOUSE WAS ON WELFARE FOR A YEAR AND THE CHAIRMAN OF THE WORKMEN'S COMPENSATION REVIEW BOARD REFUSE ME THE RIGHT FOR A HEARING AND THE DIRECTOR OF SAME REFUSE TO HAVE A HEARING ON MY CHARGES AGAINST DOCTORS, ^{hospitals} AND INSURANCE COMPANIES WHICH WAS IN VIOLATION OF MY CONSTITUTIONAL RIGHTS, PLUS MEDICAID CUT ME OFF AND WAS UNABLE TO ATTEND ANY CLINICS BECAUSE WELFARE HAD BEEN GIVING ME \$81.00 EVERY TWO WEEKS, AND WHEN THE INSURANCE ^{co} STARTED SENDING ME \$83.00 EVERY TWO WEEKS MEDICAID SAID I WAS GETTING TOO MUCH MONEY, I CRIED FOR A WHOLE DAY BECAUSE I COULD NOT EVEN PAY MY BILLS OUT OF \$166. PER MONTH AND TO ATTEND A CLINIC WAS OUT OF THE QUESTION, BUT ALL MY AFFIDAVITS GO INTO DETAIL ABOUT THE WORKMEN'S COMPENSATION BOARD.

NOW, TO LAWYERS CONCERNING MY LANDLORD, MR. JOHN WEBB OF THE COMMUNITY LAW OFFICES TOOK MY ~~EXER~~ PAPERS AND HELD THEM FOR OVER A MONTH BUT SENT THEM ALL BACK TO ME THAT HE WOULD NOT HELP ME, MR. RALPH ACCOO OF THE HARLEM ASSERTION OF RIGHTS, INC. TOLD ME AS SOON AS I SAT DOWN IN HIS OFFICE, THAT BECAUSE OF THE ECONOMY HE HAD NO ONE TO HELP ME, MISS CAROL BERKMAN, OF THE APPEALS DIVISION OF THE LEGAL AID SOCIETY TOLD ME SHE WAS TOO BUSY TO HELP ME, AND I GO INTO DETAIL IN REGARD TO MISS EARLDELL RASHFORD AND MR. SHYLEUR BARRACK IN AN AFFIDAVIT, DATED MARCH 25, 1975. SO YOU SEE MISS VALENTINE NOT COUNTING MR. MURRAY DIAMOND AND ROBERT MITCHELL THAT REPRESENTED MY SON REGINALD BURKE AND IN AFFIDAVIT FILED, DATED, MAY 5th, 1975, I MADE MOTION TO JUDGE CONNER "TO PREVENT THE MURDER OF MY SON" WHICH HE IGNORED BECAUSE HE WAS SHOT IN THE

BACK SOME THREE WEEKS LATER AND AT NIGHT AS BLACK AS HE IS, HE WAS POINTED OUT BY SOMEBODY AND SHOT AT AGAIN IN AUGUST, 1975 BUT THEY MISSED HIM THAT TIME AND MY SON HAD BEEN TO THE SUPREME COURTS 17 TIMES FOR ONE CASE THAT I GO INTO DETAIL IN REGARD TO HIS LAWYER, MR. ROBERT MITCHELL, DATED, OCTOBER 14th, 1975 AND IN THESE UNITED STATES OF AMERICA, CAN PLEASE SOMEBODY TELL ME HOW COME MY SON AND I HAVE NO RIGHTS, CANNOT GET HELP, ATTEMPT AT MURDER, CONSPIRACY SO POWERFUL THAT COURTS, JUDGES, LAWYERS TREAT YOU LIKE OUTCASTS EVEN THOUGH THEY OBSERVE YOU BEING DESTROYED BY THE SYSTEM? I WENT TO THE CIVIL COURT FOR OVER THREE YEARS TRYING TO GET HELP, THEN I WENT TO THE CRIMINAL COURT IN REGARD TO MY LANDLORD, BUT EVEN THOUGH POLICE SERVED SUMMONS ON HIM, HE DID NOT APPEAR, A GIRL ASSAULT ME IN HALLWAY, ROB ME, TOOK MY TOTE BAG OUT ON STOOP AND TORE UP MAIL I HAD JUST GOT OUT OF MAILBOX, LIBRARY BOOKS AND TOOK CHANGE OF ABOUT .85 CENTS OUT OF CHANGE PURSE BUT CASE WAS DISMISSED BECAUSE I DID NOT GET LETTER OF HER ARREST BY WARRANT OR CRIMINAL COURT NEVER SENT LETTER, WHY? WHEN MR. JOEL BLUM, PRO SE CLERK OF THE U. S. DISTRICT COURT TOLD ME AFTER I ASKED HIM HOW COME IT WAS TAKING JUDGE CONNER SO LONG TO MAKE A DECISION, THIS WAS ALREADY ABOUT TEN ^{MONTHS} ~~WEEKS~~, HE STATED, AND I QUOTE, "I HAVE NOTHING TO DO WITH THE POLITICAL AND JUSTICE SYSTEMS OF THE COURTS", UNQUOTE, I WAS SO SHOCKED BY HIS STATEMENT I TOLD JUDGE CONNER WHAT HE SAID AND LATER LEARNED MR BLUM NEVER FILED MY AFFIDAVIT WITH THE COURT, DATED SEPTEMBER 9, 1975, BECAUSE HE TOLD ME SAME MUST HAVE BEEN MISPLACED AND WHAT UPSET ME WAS THAT I ALWAYS BROUGHT ALL MY AFFIDAVITS DOWN TO THE COURT IN PERSON, SO FILED ANOTHER AFFIDAVIT DATED, OCTOBER 8th, 1975 AND ALSO EXPLAINING HOW COME THE POLICE DEPARTMENT KEPT VIOLATING MY RIGHTS WHICH I EXPLAIN IN THE OCTOBER AFFIDAVIT? I ALSO TRIED TO GET HELP FROM THE ATTORNEY GENERAL'S OFFICE, DISTRICT ATTORNEY'S OFFICE, HOUSING ADMINISTRATION ENFORCEMENT DIV. WHICH WAS A WASTE OF TIME AND PLEASE DO NOT OVERLOOK HOSPITALS, SOCIAL SECURITY ADMINISTRATION AND THE UNITED STATES POST OFFICE THAT ARE IN AFFIDAVITS FILED, SO I CAME TO A FEDERAL COURT AND A DOCTOR HAS TOLD ME THAT I WILL NOT LIVE ANOTHER YEAR UNLESS MY BLOOD PRESSURE GO DOWN, PLUS OTHER CONDITIONS THAT I HAVE ARE GETTING WORST BUT I AND MY SON ARE LIKE PUPPETS. HE SPENT SEVEN YEARS IN AND OUT OF ROCKLAND STATE MENTAL HOSPITAL, YET TO THIS DAY I HAVE NOT BEEN TOLD WHY?

MY LANDLORD, WALLACE RICE OWN TWO BUILDINGS IN 122nd Street, Numbers 224 and 226 WEST, I CHECKED THE DEEDS IN THE DEPARTMENT OF RECORDS BUILDING MYSELF AND AFTER ALL THE 38 YEARS OF LIVING IN 226, WE HAVE NEVER BEEN BURGLARIZED, BUT AFTER JUDGE CONNER MADE HIS DECISION OF DISMISSAL ^{OF} MY CHARGES ON NOVEMBER 17th, 1975, BURGLARS ENTERED OUR APARTMENT ON NOV. 29th AND DEC. 13, 1975, +FOURTEEN DAYS APART, FIRST TIME AT 6:40 P.M., I AM IN BED BY THAT TIME AND HAVE TAKEN A VALIUM ONE HOUR AFTER EATING AND WHEN I HEARD A NOISE IN BACK OF APARTMENT AND LOOKED AT CLOCK, I KNEW SOMETHING WAS WRONG

BECAUSE MY SISTER DOES NOT GET HOME UNTIL ABOUT 7:15 P.M., I CALLED OUT HER NAME AND HEARD RUNNING FOOTSTEPS, WENT AND TOOK POLICE LOCK IRON BAR OFF DOOR AND SAW A ROOM OFF HALLWAY THAT IS ALWAYS CLOSED, ^{OPEN} AND CALLED THE POLICE DEPT. WHEN THEY ARRIVED ABOUT FIVE MINUTES LATER WE ^{WENT} TO BACK OF APARTMENT TO MY SISTER'S ROOM, HER CURTAINS WERE TIED BACK, DRESSER DRAWERS OPEN AND PAPERS ALL OVER FLOOR, ALL THEY HAD TIME TO STEAL WAS TWO OF HER PANTS SUITS, RADIO AND HER WALLET THAT HAD ALL HER CHARGE PLATES AND IDENTIFICATION CARDS IN IT. THE POLICEMEN MADE OUT NO REPORT, NOR DID THEY GO NEXT DOOR TO TRY TO APPREHEND BURGLARS, JUST TOLD ME TO NAIL DOWN WINDOWS, YOU SEE, SIR, MR. RICE'S TWO BUILDINGS ARE SEPARATED BY A COURT OF ABOUT TEN FEET WIDE BUT THE WINDOWS ARE AT AN ANGLE AND ARE ABOUT A FOOT WIDE, PLUS ALL APARTMENTS ON THE WEST SIDE OF BUILDING ARE EMPTY EXCEPT FOURTH FLOOR SO ROBBERS JUST BROKE IN THIRD FLOOR EMPTY APARTMENT AND ~~XXX~~ ROBBED US. MY SISTER BOUGHT WINDOW LOCKS FOR ALL WINDOWS EXCEPT MY BEDROOM WHICH IS OFF STREET AND LIVING ROOM WHICH IS NEXT TO MY BEDROOM, BUT I BOUGHT THEM ON DEC. 13th NOT THINKING BURGLARS WOULD ATTEMPT TO ROB ANYBODY IN THE DAYTIME AND I HAVE BEEN KEEPING ALL LIGHTS ON IN MOST OF APARTMENT BUT THEY CAME IN AGAIN ON DEC. 13th, 1975. I LEFT APARTMENT TO GO TO GROCERY STORE AND FIVE AND DIME STORE TO BUY WINDOW LOCKS, LEFT ABOUT 12 NOON, THEY MUST HAVE CAME IN APARTMENT ABOUT 1:30 P.M. BECAUSE I RETURNED ABOUT 1:45 P.M., I CALLED POLICE, BUT THIS TIME I HAD TO CALL THEM TWICE, BECAUSE THEY NOT GET TO APARTMENT UNTIL ABOUT 2:10 P.M. THESE TWO POLICEMEN MADE OUT A REPORT, THE BURGLARS TOOK MY PORTABLE TV AND A \$37.00 CAMERA, ALL MY DRESSER DRAWERS WERE OPEN AND MY MEDICATION OVER FLOOR AND PAPERS AND BILLS. I AM AFRAID TO LEAVE THE APARTMENT AND AFRAID INSIDE AS WELL, BECAUSE HOW PEOPLE ^{COULD} NOT SEE THE BURGLARS BECAUSE I HAD LIGHTS ON EVEN IN DAY TIME AND WINDOW (FRONT) SHADE ALL THE WAY TO TOP, SO YOU SEE SIR, I BELIEVE MY SISTER AND I ARE IN DANGER AND HOPE THE COURT OF APPEALS WILL REVIEW MY SON'S FILES AND RELEASE HIM FROM PRISON TO PROTECT US, IN FACT TO BE QUESTION IS HIS ARREST OFF THE STREET FOUR TIMES AND WAS COMMITTING NO CRIMES AT TIME.

SINCE MR. O. VALENTINE, PRO SE CLERK OF THE UNITED STATES COURT OF APPEALS, TOLD ME NOT TO BRING THIS AFFIDAVIT DOWN TO COURT, I AM MAILING CERTIFIED TODAY, FEBRUARY 3rd, 1976. - FIVE PAGES * EN-

CLOSED NEWSPAPER ARTICLE IN REGARD TO MY LANDLORD. *The Policemen did not take clear black fingerprints on side of window.*

Maheh Wyson Burke

SWORN BEFORE ME THIS

3rd DAY OF February 1976.

NOTARY PUBLIC

Christina C. Gregg

CHRISTINA C. GREGG
Notary Public, State of New York
No. ~ 6661000
Qualified in Westchester County
Certs. filed with N. Y. Co. Clk. & Reg.
Commission Expires March 30, 1976

Flag Caddy & Find Guns, 32G, Cops Say

A Mount Vernon man was arrested last night and charged with possession of loaded weapons after police stopped his 1975 Cadillac and found he was carrying a .38-caliber revolver, police said.

A search of the car also disclosed a .25-caliber pistol in the glove compartment and \$32,400 in assorted bills in the trunk, the authorities reported, adding that the suspect, Wallace Rice, 41, of 175-Kingsbridge Road, could not explain where the money came from, and telling the police that it was a surprise to him.

Sgt. John Mazzella, and Officers Dennis Antonucci, Carl Montalbano and Thomas Dowd of the W. 126th St. station, were in an unmarked car on anticrime

patrol when they spotted the new Cadillac, which was wanted in connection with a felony earlier this month.

Identifying themselves as police officers, they ordered the driver and his woman companion out of the car and searched them. Besides the revolver, police said they found \$923 in cash on Rice.

The woman, Barbara Crawford, 29, of 436 St. Nicholas Ave., was charged with possession of a weapon.

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Cops Halt Car, Find Guns, \$32G

By JOE NICHOLSON JR.

A 41-year-old man was arrested last night after two policemen stopped his car for an inspection in Harlem and said they found two hand guns and a satchel containing \$32,400 in small-denomination bills.

Wallace Rice, of Mount Vernon, who described himself as a real estate agent, was charged with illegal possession of a loaded .38 cal. revolver and an unloaded .25 cal. automatic.

Police Officer Dennis Antonucci said Rice was believed to be an associate of Leroy (Nicky) Barnes, a reputed major drug dealer.

However, Antonucci said Rice claimed he didn't know how the money satchel got into his car trunk and police had no evidence to link the money to criminal misconduct. Rice also had \$900 in his wallet.

Antonucci and his partner, Officer Carl Montalbano, stopped Rice's car, a 1975 Cadillac, at about 9:30 p.m. at 118th St. near Manhattan Av.

Barnes, said by police to be the city's top drug dealer, is being held under \$500,000 bail after being stopped by policemen in a similar incident. He allegedly offered two officers a \$132,000 bribe Dec. 17 after a routine check of his Mercedes turned up a weapon and the cash.

Barnes had been free at that time on \$100,000 bail on charges in the March stabbing death of a Bronx drug dealer and on other narcotics and weapons charges.

NEW YORK POST, WEDNESDAY, JANUARY 15, 1975